

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TRUSTEES OF SHEET METAL WORKERS       )  
LOCAL 63 HEALTH & WELFARE FUND, et a    )  
      Plaintiffs                                )  
  ) C. A. NO. 04-30226-KPN  
v.   )  
  )  
PITTSFIELD PIPERS, INC.                    )  
      Defendant                                )  
\_\_\_\_\_)

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, Trustees of Sheet Metal Workers Local 63 Health & Welfare Fund, et al, upon the accompanying Declaration of Brigitte Dugre, respectfully moves pursuant to F.R.C.P. 55(b) (1), for entry of judgment by the Clerk ordering the defendant, Pittsfield Pipers, Inc. to pay to the plaintiffs the sum of \$29,914.53 in damages and taxable costs.

Dated: April 1, 2005

Respectfully submitted,  
Aaron D. Krakow  
BBO #544424  
KRAKOW & SOURIS, LLC  
225 Friend Street  
Boston, MA 02114       (617) 723-8440  
/s/ Aaron D. Krakow  
Attorney for plaintiffs

CERTIFICATE OF SERVICE

I, Aaron D. Krakow, hereby certify that I caused a copy of the foregoing to be served by first class U.S. mail this day to Pittsfield Pipers, Inc., 73 Fourth Street, Pittsfield, MA 01201.

/s/ Aaron D. Krakow  
Aaron D. Krakow

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DISTRICT OF MASSACHUSETTS

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LOCAL 63 HEALTH & WELFARE FUND, et a                )  
                    Plaintiffs   )  
   ) C. A. NO. 04-30226-KPN  
v.   )  
   )  
PITTSFIELD PIPERS, INC.   )  
                    Defendant   )  
\_\_\_\_\_)

**JUDGMENT**

NEIMAN, D.J.

Defendant Pittsfield Pipers, Inc. having failed to plead or otherwise defend in this action and default having been entered on January 25, 2005.

Now, upon application of plaintiffs and a declaration demonstrating that defendant owes plaintiffs the sum of \$33,995.03, that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiffs have incurred costs in the sum of \$211.20 it is hereby

**ORDERED, ADJUDGED AND DECREED:**

1. That plaintiffs recover from defendant Pittsfield Pipers, Inc. the sum of \$34,206.23 with interest as provided by law.

By the Court,

Date:

\_\_\_\_\_  
Deputy Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TRUSTEES OF SHEET METAL WORKERS )  
LOCAL 63 HEALTH & WELFARE FUND, et al )  
Plaintiffs )  
 ) C. A. NO. 04-30226-KPN  
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v. )  
 )  
PITTSFIELD PIPERS, INC. )  
Defendant )  
\_\_\_\_\_ )

## DECLARATION OF BRIGITTE DUGRE

Brigitte Dugre, being duly sworn, says:

1. I am presently the Administrator of Sheetmetal Workers Local Union No. 63 employee benefit funds.

2. In that capacity I am responsible for receiving the amounts due to be paid to the said funds and to other employee benefit funds (referred to collectively as "the Funds") affiliated with the Sheetmetal Union, by the employers who have entered into collective bargaining agreements with the Sheetmetal Workers Local Union No. 63 in which they have agreed to make contributions to the Funds.

3. Defendant Pittsfield Pipers Inc. has failed to make contributions and payments to the plaintiff Funds for hours of work performed by its employees, and the Funds have calculated that defendant is delinquent in its contributions and payments due to the Funds based on those hours of work and the applicable hourly contribution rates in the principal amount of \$31,508.61.

4. The collective bargaining agreement referenced above upon which defendant's contribution obligation is based provides for interest on delinquent contributions to be assessed at the rate of 2% over prime, and such interest is also expressly mandated by law. 29 U.S.C. §1132(g)(2)(B).

5. The Funds have calculated the interest charges on the principal amount owed to the Funds by Pittsfield Pipers Inc. based on the applicable interest rate computed to through March, 2005 to be \$787.71.

6. Section 502(g)(2)(C) of ERISA, 29 U.S.C. §1132(g)(2)(C) provides for an additional assessment of interest as liquidated damages.

7. The Funds have calculated the liquidated damages to be \$787.71.

8. The reasonable attorney's fees for instituting and prosecuting this action that are required by the relevant collective bargaining agreements and that are also expressly mandated by law, 29 U.S.C. §1131(g)(2)(D), are \$820.00.

9. The costs incurred by the plaintiff in bringing this action consisting of filing and service fees total \$211.20

10. The total amount owed to the Funds by defendant consisting of the separate amounts listed in paragraphs 3 through 9 of this affidavit, totals \$34,206.23.

11. The defendant is neither an infant and/or an incompetent person, nor in the military services of the United States.

I declare under the penalties of perjury that the foregoing is true and correct this 29<sup>th</sup> day of March, 2005.

/s/ Brigitte Dugre  
Brigitte Dugre, Fund Administrator